

ORIGINAL

**FILED**  
DISTRICT COURT OF GUAM  
SEP 18 2006  
MARY L.M. MORAN  
CLERK OF COURT

**MATSUURA\_Yuji.pet**

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Attorneys for United States of America

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 03-00063
	)	
Plaintiff,	)	
	)	
vs.	)	<b>UNITED STATES PETITION FOR</b>
	)	<b>MODIFICATION OF JUDGMENT</b>
	)	<b>AND/OR CLARIFICATION</b>
YUJI MATSUURA,	)	
	)	
Defendant.	)	

PETITION

COMES NOW the United States of America, by and through its undersigned counsel, and respectfully petitions this Court to modify the Judgment and/or clarification in the above-entitled action to reflect the amount of restitution ordered from \$94,432.47 to \$95,837.73 and in support states as follows:

1. On or about January 7, 2004, Defendant YUJI MATSUURA was originally sentenced, among other things, to pay restitution in the total amount of \$98,687.23. See Attachment "A."
2. On or about July 20, 2004, the judgment was VACATED and REMANDED by the U.S. Court of Appeals for the Ninth Circuit. See Attachment "B."
3. On or about October 8, 2004, Defendant YUJI MATSUURA was re-sentenced and among other things, ordered to pay restitution in the amount of \$94,432.47 to the following payees and amount:



FILED FAB  
W. Atty

UNITED STATES DISTRICT COURT

District of GUAM

FILED

UNITED STATES OF AMERICA  
V.

JUDGMENT IN A CRIMINAL CASE

YUJI MATSUURA

Case Number: CR-03-00063-002

USM Number: 02379-093

CURTIS VAN DE VELD, Court Appointed  
Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) I

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)  
after a plea of not guilty.

U.S. ATTORNEYS OFFICE  
DISTRICTS OF GUAM & NMI  
OCT 12 2004  
RECEIVED

FILED  
DISTRICT COURT OF GUAM  
OCT 08 2004  
MARY L. M. MORAN  
CLERK OF COURT

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense	Count
18 U.S.C. 2, 371 and 1029(a)(1)	CONSPIRACY TO COMMIT FRAUD USING COUNTERFEIT ACCESS DEVICES	6/22/03	I

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 8, 2004  
Date of Imposition of Judgment

Alex R. Munson  
Signature of Judge

Notice is hereby given that this document was entered on the docket on 10/8/04. No separate notice of entry on the docket will be issued by this Court.

ALEX R. MUNSON, DESIGNATED JUDGE  
Name and Title of Judge

10-8-04  
Date

Mary L. M. Moran  
Clerk, District Court of Guam  
By: [Signature] Deputy Clerk Date: 10/8/04

A

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**TIME SERVED.** ✓

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

**THREE YEARS.** ✓

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT:  
CASE NUMBER:

### ADDITIONAL SUPERVISED RELEASE TERMS

1. ✓ DEFENDANT SHALL PAY RESTITUTION JOINTLY AND SEVERALLY WITH HIS CO-DEFENDANTS, IN THE AMOUNT OF \$94,432.47. PAYMENTS FOR RESTITUTION SHALL BE REMITTED TO THE CLERK OF COURT, 4<sup>TH</sup> FLOOR, U.S. COURTHOUSE, 520 WEST SOLEDAD AVENUE, HAGATNA, GUAM 96910, WHICH SHALL BE DISBURSED TO THE VICTIMS.
- ✓ 2. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
- ✓ 3. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE.
- ✓ 4. PURSUANT TO 18 U.S.C. § 3583(d), THE DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT, 8 U.S.C. §1101 ET SEQ. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NOT RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, ~~SHE~~ SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.

35 : 10

DEFENDANT:  
 CASE NUMBER:

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ WAIVED	\$ 94,432.47

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case(AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<input checked="" type="checkbox"/> JCB International (Micronesia), Ltd. Attn: Mitsuyuki Kawakatsu General Manager Hyatt Regency Hotel Lobby Floor 1155 Pale San Vitores Road Tamuning, Guam 96913	\$73,655.00	\$73,655.00	
Nippon Shinpan Company, Ltd. (Nicos) Nicos Security Building 3-23-15 Hongo, Bunkyo-ku Tokyo 113-8412 JAPAN	\$10,113.00	\$10,113.00	
Citicorp Card Services, Inc. TFT Building West, 8 <sup>th</sup> Floor 3-1 Ariake, Koto-ku Tokyo 135-8072 JAPAN	\$4,353.75	\$4,353.75	
<b>TOTALS</b>	<b>\$ 94,432.47</b>	<b>\$ 94,432.47</b>	

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Toyota Finance Corporation Attn: Yukinori Ohishi Manager - Security Control Department 2-17-21 Nishiki Naka-ku Nagoya-Shi Aichi, Japan	\$3,450.00	\$3,450.00 ✓	
MasterCard International Attn: Akira Arakawa Vice President - Security & Risk Management Cerluean Tower, 16th Floor 26-1 Sakuragaoka-cho Shibuya-ku, Tokyo 150-8512 JAPAN	\$64.97	\$64.97 ✓	
Louis Vuitton Store DFS Tumon Bay Galleria 1296 Pale San Vitores Road Tumon, Guam 96911	\$4,201.01	\$4,201.01 ✓	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

**DEFENDANT SHALL PAY TO THE COURT A SPECIAL ASSESSMENT FEE OF \$100.00 IMMEDIATELY AFTER SENTENCING. DEFENDANT SHALL PAY RESTITUTION JOINTLY AND SEVERALLY WITH HIS CO-DEFENDANTS IN THIS CASE FOR A TOTAL AMOUNT OF \$94,432.47. PAYMENTS FOR RESTITUTION SHALL BE REMITTED TO THE CLERK OF COURT, 4<sup>TH</sup> FLOOR, U.S. COURTHOUSE, 520 WEST SOLEDAD AVENUE, HAGATNA, GUAM 96910, WHICH SHALL BE DISBURSED TO THE VICTIMS.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED  
DISTRICT COURT OF GUAM

JUL 20 2004

MARY L. M. MORAN  
CLERK OF COURT

NO. 04-10044  
CT/AG#: CR-03-00063-JSU

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

YUJI MATSUURA

Defendant - Appellant

APPEAL FROM the United States District Court for the  
District Of Guam (Hagatna).

THIS CAUSE came on to be heard on the Transcript of the  
Record from the United States District Court for the  
District Of Guam (Hagatna) and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and  
adjudged by this Court, that the judgment of the said  
District Court in this cause be, and hereby is VACATED and  
REMANDED.

Filed and entered June 22, 2004

A TRUE COPY  
ATTEST 7/14/04  
CATHY A. CATTERSON  
Clerk of Court  
by: [Signature]  
Deputy Clerk

B

UNITED STATES COURT OF APPEALS **FILED**  
FOR THE NINTH CIRCUIT

JUN 22 2004

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

YUJI MATSUURA,

Defendant - Appellant.

No. 04-10044

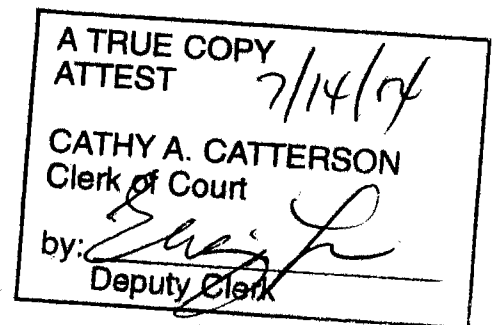
D.C. No. CR-03-00063-JSU  
District of Guam

ORDER

Before: LEAVY, THOMAS and FISHER, Circuit Judges

The parties' joint motion to remand this case to the district court for further evidentiary hearing and possible resentencing is granted.

**VACATED AND REMANDED.**



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USA

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U.S. ATTORNEY'S OFFICE  
DISTRICTS OF GUAM & NMI

JAN 09 2004

## UNITED STATES DISTRICT COURT

District of GUAMRECEIVED  
UNITED STATES OF AMERICA

V.

YUJI MATSUURA

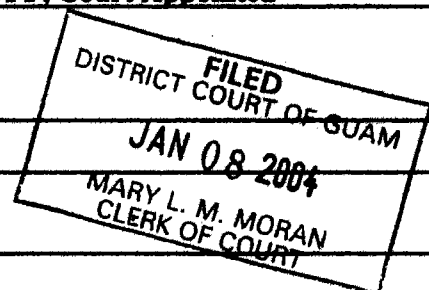
## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: CR-03-00063-002WILLIAM BISCHOFF, Court Appointed

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) I☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section

18 U.S.C. 2, 371 and 1029(a)(1)

Nature of OffenseCONSPIRACY TO COMMIT FRAUD USING COUNTERFEIT  
ACCESS DEVICESDate OffenseConcluded

06/22/03

CountNumber(s)

I

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: NONE (Japan Passport No. 22222222)Defendant's Date of Birth: 1/1/82Defendant's USM No.: 02379-093

Defendant's Residence Address:

[REDACTED][REDACTED]Tokyo, Japan

Defendant's Mailing Address:

[REDACTED][REDACTED][REDACTED]January 7, 2004

Date of Imposition of Judgment

Signature of Judicial Officer

JOHN S. UNPINGCO, U.S. DISTRICT COURT JUDGE

Name and Title of Judicial Officer

JAN 08 2004

Date

EOD 01/08/2004

C

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term twenty four months with credit for time already served.

**During imprisonment, the defendant shall participate in an Inmate Financial Responsibility Program, and any educational, vocational, and substance abuse programs approved by the Bureau of Prisons.**

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term three years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

future substance abuse.

**X** The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### ADDITIONAL SUPERVISED RELEASE TERMS

1. PURSUANT TO 18 U.S.C. §3583(d), THE DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT, 8 U.S.C. § 1101 ET SEQ. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NOT RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL NOT VIOLATE ANY FEDERAL, STATE AND LOCAL LAWS.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL OBTAIN AND MAINTAIN LAWFUL EMPLOYMENT.
5. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE.



DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ Waived	\$ 98,687.23

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
JCB International (Micronesia), Ltd. Attn: Mitsuyuki Kawakatsu General Manager Hyatt Regency Hotel Lobby Floor 1155 Pale San Vitores Road Tamuning, Guam 96913	\$73,655.00	\$73,655.00	
Nippon Shinpan Company, Ltd. (Nicos) Nicos Security Building 3-23-15 Hongo, Bunkyo-ku Tokyo 113-8412 JAPAN	\$10,113.00	\$10,113.00	
Citicorp Card Services, Inc. TFT Building West, 8 <sup>th</sup> Floor 3-1 Ariake, Koto-ku Tokyo 135-8072 JAPAN (See page 6 for additional payees)	\$4,353.75	\$4,353.75	
TOTALS	\$ <u>98,687.23</u>	\$ <u>98,687.23</u>	

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.



DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>* Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Toyota Finance Corporation Attn: Yukinori Ohishi Manager - Security Control Department 2-17-21 Nishiki Naka-ku Nagoya-Shi Aichi, Japan	\$3,450.00	\$3,450.00	
MasterCard International Attn: Akira Arakawa Vice President - Security & Risk Management Cerluean Tower, 16 <sup>th</sup> Floor 26-1 Sakuragaoka-cho Shibuya-ku, Tokyo 150-8512 JAPAN	\$64.97	\$64.97	
Louis Vuitton Store DFS Tumon Bay Galleria 1296 Pale San Vitores Road Tumon, Guam 96911	\$4,201.01	\$4,201.01	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: YUJI MATSUURA  
CASE NUMBER: CR-03-00063-002

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, or ☒ E below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☒ Special instructions regarding the payment of criminal monetary penalties:

**DEFENDANT SHALL PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE IN THE AMOUNT OF \$100.00 IMMEDIATELY AFTER SENTENCING. DEFENDANT SHALL PAY RESTITUTION JOINTLY AND SEVERALLY WITH HIS CO-DEFENDANTS IN THIS CASE FOR A TOTAL AMOUNT OF \$98,687.23. PAYMENTS SHALL BE REMITTED TO THE CLERK OF COURT, 4<sup>th</sup> FLOOR, U.S. COURTHOUSE, 520 WEST SOLEDAD AVENUE, HAGATNA, GUAM 96910 WHICH SHALL BE DISBURSED TO THE VICTIMS. ANY RESTITUTION REMAINING AFTER RELEASE FROM IMPRISONMENT SHALL BE PAID DURING THE TERM OF SUPERVISED RELEASE AT A RATE APPROVED BY THE U.S. PROBATION OFFICER.**

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

Satoshi Fujiwara, CR 03-00063; Daisuki Ogasawara, CR 03-00063; Katsuhisa Suzuki, CR 03-00063; Osamu Hanada, CR 03-00063 and Xie Bin Bin aka Bonnie Li, CR 03-00063

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.